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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP			SHAND, ROBERTA A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/646,009	SCHNEIDER ET AL.
	Examiner	Art Unit
	Roberta A. Shand	2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 September 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20,22,23,25-28,31 and 32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 28 is/are allowed.

6) Claim(s) 1-20,22,23,25-27,31 and 32 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18, 20, 22, 23 25-27, 31 and 32 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the admitted prior arts in view of Darveau (U.S. 6236726 B1) further in view Gundrum (U.S. 7433412 B2).

3. Regarding claims 1 and 31, the admitted prior art teaches (fig. 1) a communication system, comprising: at least one central office transceiver (22); at least one intermediate terminal transceiver (36); a feeder distribution interface (33) coupled to the transceivers; a first and second customer transceivers (31) coupled through the feeder distribution interface (33) to the at least one central office transceiver (22) and to the at least one intermediate terminal transceiver (36).

4. The admitted prior art does not teach memory for storing data based on an estimated distance between the at least one central office transceiver and the feeder distribution interface and an estimated distance between the at least one intermediate terminal transceiver and the feeder distribution interface; and logic configured to estimate a distance of a data path between the intermediate terminal transceiver and one of the customer transceivers, the logic further configured to adjust, based on the estimated distance, a power output of the at least one

intermediate terminal transceiver in order to maintain a specified performance margin of the at least one central office transceiver.

5. Darveau teaches memory for storing data based on an estimated distance between the at least one central office transceiver and the feeder distribution interface and an estimated distance between the at least one intermediate terminal transceiver and the feeder distribution interface; (col. 9, line 60 - col. 10, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art to include Darveau's storing to provide quality retrieval and forwarding of data within the system

6. Darveau does not explicitly teach estimating a distance of a data path between the intermediate terminal transceiver and one of the customer transceivers, the logic further configured to adjust, based on the estimated distance, a power output of the at least one intermediate terminal transceiver in order to maintain a specified performance margin of the at least one central office transceiver.

7. Gundrum teaches (col. 4, lines 16-33) estimating a distance of a data path between the intermediate terminal transceiver and one of the customer transceivers, the logic further configured to adjust, based on the estimated distance, a power (col. 2, lines 26-39) output of the at least one intermediate terminal transceiver in order to maintain a specified performance margin of the at least one central office transceiver. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art and Darveau to include Gundrum's communication system with transceivers transmitting within the same cable to minimize crosstalk or impedance problems within the system.

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8. Regarding claim 2, Darveau teaches (fig. 2) the logic resides within the intermediate terminal transceiver.

9. Regarding claims 3, 10 and 17, Darveau teaches (col. 10, lines 3-26) adjust the power output equally across a range of frequencies is reduced equally.

10. Regarding claims 4, 11 and 18, Darveau teaches (col. 10, lines 3-26) to adjust the power output of the at least one intermediate terminal differently for different frequencies.

11. Regarding claims 5 and 12, Darveau teaches (col. 9, line 60 - col. 10, line 2) a communication device configured to automatically provide the at least one intermediate terminal transceiver with data indicative of an approximate distance between the at least one intermediate terminal transceiver and the feeder distribution interface, wherein the logic is further configured to adjust the power output of the at least one intermediate terminal transceiver based on the approximate distance.

12. Regarding claims 6, 8 and 26, Darveau teaches (col. 9, line 60 - col. 10, line 2) automatically provide the at least one intermediate terminal transceiver with data indicative of an approximate distance between the at least one central office transceiver and the feeder distribution interface, and wherein the logic is further configured to adjust the power output of the at least one intermediate terminal transceiver based on the approximate distance between the at least one central office transceiver and the feeder distribution interface.

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13. Regarding claim 7, the admitted prior art teaches (fig. 1) a data communication system having central office transceivers (25) residing at a central office (22) and intermediate terminal transceivers (38) residing at an intermediate terminal (36), the central office (22) and intermediate terminal transceivers coupled through a feeder distribution interface (33) to customer transceivers.

14. The admitted prior art does not teach means for determining distances between the transceivers and the feeder distribution interface; and power reduction means for automatically reducing a transmission power of at least one of the intermediate terminal transceivers, based on the determined distances, in order to maintain a specified performance margin for the central office transceivers.

15. Gundrum teaches (col. 4, lines 16-33) means for determining distances between the transceivers and the feeder distribution interface; and power reduction means for automatically reducing a transmission power (col. 2, lines 26-39) of at least one of the intermediate terminal transceivers, based on the determined distances, in order to maintain a specified performance margin for the central office transceivers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art to include Gundrum's communication system with transceivers transmitting within the same cable to minimize crosstalk or impedance problems within the system.

16. Regarding claim 9, the admitted prior art teaches (fig. 1) a system for communicating between transceivers, comprising: a transmitter configured to transmit signals to a customer

transceiver (31) over a first communication connection that is bound within a binder (page 2, paragraph 4).

17. The admitted prior art does not teach logic configured to estimate a distance of a data path between the transmitter and the customer transceiver based on at least one signal communicated over the data path, the logic further configured to adjust a transmission power level of the transmitter based on the estimated distance such that signals transmitted by the transmitter to the customer transceiver are spectrally compatible with signals transmitted from another transceiver over a second communication connection.

18. Gundrum teaches (col. 4, lines 16-33) estimate a distance of a data path between the transmitter and the customer transceiver based on at least one signal communicated over the data path, the logic further configured to adjust (col. 2, lines 26-39) a transmission power level of the transmitter based on the estimated distance such that signals transmitted by the transmitter to the customer transceiver are spectrally compatible with signals transmitted from another transceiver over a second communication connection. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art to include Gundrum's communication system with transceivers transmitting within the same cable to minimize crosstalk or impedance problems within the system.

19. Regarding claims 13 and 22, Darveau teaches (col. 9, line 60 - col. 10, line 2) a receiver configured to receive at least one signal transmitted from the customer transceiver over the data path, wherein the logic is configured to estimate the distance based on the at least one received signal.

20. Regarding claim 14, Darveau teaches (fig. 2) the first and second communication connections are coupled to a feeder distribution interface, wherein the logic and the transmitter reside within a transceiver installed at an intermediate terminal.

21. Regarding claim 15, Darveau teaches (col. 9, line 60 - col. 10, line 2) the system further comprises a communication device that is configured to provide, to the logic, data indicative of a distance between the intermediate terminal and the feeder distribution interface, and wherein the logic is further configured to determine a transmission power level for the transmitter based on the data and the estimated distance

22. Regarding claim 16, the admitted prior art teaches (fig. 1) a communication method, comprising the steps of establishing a communication session between a first transceiver (22) and a second transceiver (31); communicating, during a training phase of the communication session, at least one signal between the first and second transceivers over a first communication connection that is bound via a binder (33),

23. The admitted prior art does not teach transmitting at least one signal from the first transceiver at a default power level; estimating a distance of a data path between the first and second transceivers based on at least one signal communicated in the communicating step; adjusting a transmission power level for the first transceiver based on the estimated distance such that signals transmitted by the first transceiver over the data path at the adjusted transmission power level are spectrally compatible with signals transmitted by another transceiver over a

second communication connection; and transmitting at least one signal from the first transceiver at the adjusted transmission power level during a data phase of the communication session.

24. Darveau teaches (col. 9, line 60 - col. 10, line 2) transmitting at least one signal from the first transceiver at a default power level; transmitting at least one signal from the first transceiver at the adjusted transmission power level during a data phase of the communication session (col. 9, line 60 - col. 10, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art to include Darveau's adjusting step to avoid data corruption (abstract).

25. Darveau does not explicitly teach estimating a distance of a data path between the first and second transceivers based on at least one signal communicated in the communicating step; adjusting a transmission power level for the first transceiver based on the estimated distance such that signals transmitted by the first transceiver over the data path at the adjusted transmission power level are spectrally compatible with signals transmitted by another transceiver over a second communication connection.

26. Gundrum teaches (col. 4, lines 16-33) estimating a distance of a data path between the intermediate terminal transceiver and one of the customer transceivers, the logic further configured to adjust, based on the estimated distance, a power (col. 2, lines 26-39) output of the at least one intermediate terminal transceiver in order to maintain a specified performance margin of the at least one central office transceiver. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art and Darveau to include Gundrum's communication system with transceivers transmitting within the same cable to minimize crosstalk or impedance problems within the system.

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27. Regarding claims 20 and 32, the admitted prior art teaches (fig. 1) a method for providing spectrum management in a data communication system having central office transceivers (25) and intermediate terminal transceivers (38) coupled through a feeder distribution interface (33) to customer transceivers,

28. The prior art does not teach automatically determining at least one distance between the transceivers and the feeder distribution interface; and automatically adjusting, based on the determined distance, a transmission power of at least one of the intermediate terminal transceivers in order to maintain a specified performance margin for the central office transceivers.

29. Gundrum teaches (col. 4, line 16 - 33) automatically determining at least one distance between the transceivers and the feeder distribution interface; and automatically adjusting (col. 2, lines 26-39), based on the determined distance, a transmission power of at least one of the intermediate terminal transceivers in order to maintain a specified performance margin for the central office transceivers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art to include Gundrum's communication system with transceivers transmitting within the same cable to minimize crosstalk or impedance problems within the system.

30. Regarding claim 23, the admitted prior art teaches (fig. 1 and abstract) a method of maintaining specified performance margins in a data communication system having central office transceivers (25) and intermediate terminal transceivers (38) coupled through a feeder distribution interface (33) to customer transceivers.

31. The admitted prior art does not teach providing a table of power back-off values for adjusting transmission power levels of the intermediate terminal transceivers in order to maintain performance margins of the central office transceivers, wherein the power back-off values are functions of distances between the transceivers and the feeder distribution interface; automatically determining distances between the intermediate terminal transceivers and the customer transceivers based on signals communicated between the intermediate terminal transceivers and the customer transceivers; and adjusting, based on the determined distances, the transmission power levels of the customer transceivers in accordance with the values in the table.

32. Darveau teaches (col. 9, line 60 – col. 10, line 2) providing a table of power back-off values for adjusting transmission power levels of the intermediate terminal transceivers in order to maintain performance margins of the central office transceivers, wherein the power back-off values are functions of distances between the transceivers and the feeder distribution interface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art to include Darveau's storing to provide quality retrieval and forwarding of data within the system

33. Darveau does not explicitly teach automatically determining distances between the intermediate terminal transceivers and the customer transceivers based on signals communicated between the intermediate terminal transceivers and the customer transceivers; and adjusting (col. 2, lines 40-56), based on the determined distances, the transmission power levels of the customer transceivers in accordance with the values in the table.

34. Gundrum teaches (col. 4, lines 16-33) automatically determining distances between the intermediate terminal transceivers and the customer transceivers based on signals communicated

between the intermediate terminal transceivers and the customer transceivers; and adjusting (col. 2, lines 26-39), based on the determined distances, the transmission power levels of the customer transceivers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art and Darveau to include Gundrum's communication system with transceivers transmitting within the same cable to minimize crosstalk or impedance problems within the system.

35. Regarding claim 25, the admitted prior art teaches (fig. 1) a method for reducing crosstalk in a data communication system having central office transceivers (25) residing at a central office (22) and intermediate terminal transceivers (38) residing at an intermediate terminal (36), the central office transceivers (38) and intermediate terminal transceivers (25) coupled through a feeder distribution interface (33) to customer transceivers (31),

36. The admitted prior art does not teach storing values indicative of an approximate distance between the central office and the feeder distribution interface and of an approximate distance between the intermediate terminal and the feeder distribution interface; automatically determining values indicative of approximate distances between the intermediate terminal transceivers and the customer transceivers; and reducing transmission power levels at all frequencies in the intermediate terminal transceivers in accordance with a power back-off algorithm, wherein the power back-off algorithm is responsive to the stored and determined values.

37. Darveau teaches (col. 9, line 60 – col. 10, line 2) storing values indicative of an approximate distance between the central office and the feeder distribution interface and of an

approximate distance between the intermediate terminal and the feeder distribution interface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art to include Darveau's storing to provide quality retrieval and forwarding of data within the system

38. Darveau does not explicitly teach automatically determining values indicative of approximate distances between the intermediate terminal transceivers and the customer transceivers; and reducing transmission power levels at all frequencies in the intermediate terminal transceivers in accordance with a power back-off algorithm, wherein the power back-off algorithm is responsive to the stored and determined values.

39. Gundrum teaches (col. 4, lines 16-33) automatically determining values indicative of approximate distances between the intermediate terminal transceivers and the customer transceivers; and reducing (col. 2, lines 26-39) transmission power levels at all frequencies in the intermediate terminal transceivers in accordance with a power back-off algorithm, wherein the power back-off algorithm is responsive to the stored and determined values. It would have been obvious to one of ordinary skill in he art at the time the invention was made to modify the admitted prior art and Darveau to include Gundrum's communication system with transceivers transmitting within the same cable to minimize crosstalk or impedance problems within the system.

40. Regarding claim 27, the admitted prior art teaches (fig. 1) a communication method, comprising the steps of transmitting a signal from at least one intermediate terminal transceiver (36) through a cable to a customer transceiver (31), the cable coupled to a feeder distribution

interface (33) that is coupled to the at least one intermediate terminal transceiver (36) and at least one central office transceiver (22), the cable propagating at least one signal transmitted from the at least one central office transceiver (22).

41. The admitted prior art does not teach automatically adjusting a power output of the at least one intermediate terminal transceiver such that a specified performance margin of the at least one central office transceiver is maintained; and estimating a distance between the at least one intermediate terminal transceiver and the customer transceiver, wherein the adjusting is further based on the estimated distance.

42. Gundrum teaches (col. 2, lines 26-39) automatically adjusting a power output of the at least one intermediate terminal transceiver such that a specified performance margin of the at least one central office transceiver is maintained; and estimating a distance (col. 9, line 60 – col. 10, line 2) between the at least one intermediate terminal transceiver and the customer transceiver, wherein the adjusting is further based on the estimated distance. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art to include Gundrum's communication system with transceivers transmitting within the same cable to minimize crosstalk or impedance problems within the system.

43. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Darveau (U.S. 6236726 B1) further in view of Gundrum (U.S. 7266154 B2) and yet further in view of Terry (U.S. 6339613 B2).

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44. As mentioned above, the admitted prior art and Darveau teach all of the limitations of claim 16.

45. Although Gundrum teaches sending distance information. The admitted prior art and Gundrum do not teach installing new transceivers.

46. Terry teaches (col. 12, lines 47-55) installing new devices and adjusting the power spectral densities to reduce crosstalk. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art, Darveau and Gundrum's to include Terry's installation of new devices to provide a method that can permit new communications systems to be added to existing communications paths in a manner that is generally compatible with existing systems where these exist, and that can make optimum use of communications capacity (col. 2, lines 26-31).

Allowable Subject Matter

47. Claim 28 is allowed.

Response to Arguments

48. Applicant's arguments with respect to claims 1-18, 20, 22, 23 25-27, 31 and 32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

49. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A. Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

50. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

51. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roberta A. Shand
/R. A. S./
Examiner, Art Unit 2616

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